

**Showing Current Law as Amended by H.R. ____, Forest Service Flexible
Housing Partnerships Act of 2023**

[new text highlighted in yellow; text to be deleted bracketed and highlighted in blue]

Section 8623 of the Agriculture Improvement Act of 2018 (16 U.S.C. 580d note)

(a) Definitions.-In this section:

(1) Administrative site.-

(A) In general.-The term 'administrative site' means-

(i) any facility or improvement, including curtilage, that was acquired or is used specifically for purposes of administration of the National Forest System;

(ii) any Federal land that-

(I) is associated with a facility or improvement described in clause (i) that was acquired or is used specifically for purposes of administration of Forest Service activities; and

(II) underlies or abuts the facility or improvement; and

(iii) for each fiscal year, not more than 10 isolated, undeveloped parcels of not more than 40 acres each.

(B) Exclusions.-The term 'administrative site' does not include-

(i) any land within a unit of the National Forest System that is exclusively designated for natural area or recreational purposes;

(ii) any land within-

(I) a component of the National Wilderness Preservation System;

(II) a component of the National Wild and Scenic Rivers System; or

(III) a National Monument; or

(iii) any Federal land that the Secretary [of Agriculture] determines-

(I) is needed for resource management purposes or to provide access to other land or water; or

(II) would be in the public interest not to lease.

(2) Facility or improvement.-The term 'facility or improvement' includes-

(A) a forest headquarters;

(B) a ranger station;

(C) a research station or laboratory;

(D) a dwelling;

(E) a warehouse;

(F) a scaling station;

(G) a fire-retardant mixing station;

(H) a fire-lookout station;

(I) a guard station;

(J) a storage facility;

(K) a telecommunication facility; and

(L) any other administrative installation for conducting Forest Service activities.

(3) Market analysis.-The term 'market analysis' means the identification and study of the market for a particular economic good or service.

(b) Authorization.-The Secretary may lease an administrative site that is under the jurisdiction of the Secretary in accordance with this section.

(c) Identification of Eligible Sites.-A regional forester, in consultation with forest supervisors in the region, may submit to the Secretary a recommendation for administrative sites in the region that the regional forester considers eligible for leasing under this section.

(d) Consultation With Local Government and Public Notice.-Before making an administrative site available for lease under this section, the Secretary shall-

(1) consult with government officials of the community and of the State in which the administrative site is located; and

(2) provide public notice of the proposed lease.

(e) Lease Requirements.-

(1) Size.-An administrative site or compound of administrative sites under a single lease under this section may not exceed 40 acres.

(2) Configuration of administrative sites.-

(A) In general.-To facilitate the lease of an administrative site under this section, the Secretary may configure the administrative site-

(i) to maximize the marketability of the administrative site; and

(ii) to achieve management objectives.

(B) Separate treatment of facility or improvement.-A facility or improvement on an administrative site to be leased under this section may be severed from the land and leased under a separate lease under this section.

(3) Consideration.-

(A) In general.-A person to which a lease of an administrative site is made under this section shall provide to the Secretary consideration described in subparagraph (B) in an amount that is not less than the market value of the administrative site, as determined in accordance with subparagraph (C).

(B) Form of consideration.-The consideration referred to in subparagraph (A) may be-

(i) cash;

(ii) in-kind, including-

(I) the construction of new facilities or improvements, the title to which shall be transferred by the lessee to the Secretary;

(II) the maintenance, repair, improvement, or restoration of existing facilities or improvements; **[and]**

(III) other services relating to activities that occur on the administrative site, as determined by the Secretary; **[or]** and

(IV) services occurring off of the administrative site—

(aa) that—

(AA) occur on the unit of the National Forest System in which the administrative site is located; or

(BB) benefit the National Forest System; and

(bb) that support activities occurring within the unit of the National Forest System in which the administrative site is located; or

(iii) any combination of the consideration described in clauses (i) and (ii).

(C) Determination of market value.-

(i) In general.-The Secretary shall determine the market value of an administrative site to be leased under this section-

(I) by conducting an appraisal in accordance with-

(aa) the Uniform Appraisal Standards for Federal Land Acquisitions established in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

(bb) the Uniform Standards of Professional Appraisal Practice; or

(II) by competitive lease.

(ii) In-kind consideration.-The Secretary shall determine the market value of any in-kind consideration under subparagraph (B)(ii).

(4) Conditions.-The lease of an administrative site under this section shall be subject to such conditions, including bonding, as the Secretary determines to be appropriate.

(5) Right of first refusal.-Subject to terms and conditions that the Secretary determines to be necessary, the Secretary shall offer to lease an administrative site to the municipality or county in which the administrative site is located before seeking to lease the administrative site to any other person.

(6) LEASE TERM.—

(A) IN GENERAL.—The term of a lease of an administrative site under this section shall be up to 100 years.

(B) RENEWAL.—A lease of an administrative site under this section shall include a provision for renewal of the lease if the use of the administrative site, at the time of renewal, is in accordance with this section.

(f) Relation to Other Laws.-

(1) Federal property disposal.-Chapter 5 of title 40, United States Code, shall not apply to the lease of an administrative site under this section.

(2) Lead-based paint and asbestos abatement.-

(A) In general.-Notwithstanding any provision of law relating to the mitigation or abatement of lead-based paint or asbestos-containing building materials, the Secretary shall not be required to mitigate or abate lead-based paint or asbestos-containing building materials with respect to an administrative site to be leased under this section.

(B) Procedures.-With respect to an administrative site to be leased under this section that has lead-based paint or asbestos-containing building materials, the Secretary shall-

(i) provide notice to the person to which the administrative site will be leased of the presence of the lead-based paint or asbestos-containing building material; and

(ii) obtain written assurance from that person that the person will comply with applicable Federal, State, and local laws relating to the management of lead-based paint and asbestos-containing building materials.

(3) Environmental review.-The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to the lease of an administrative site under this section, except that, in any environmental review or analysis required under that Act for the lease of an administrative site under this section, the Secretary shall be required only-

(A) to analyze the most reasonably foreseeable use of the administrative site, as determined through a market analysis;

(B) to determine whether to include any conditions under subsection (e)(4); and

(C) to evaluate the alternative of not leasing the administrative site in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) Compliance with local laws.-A person that leases an administrative site under this section shall comply with all applicable State and local zoning laws, building codes, and permit requirements for any construction activities that occur on the administrative site.

(g) Prohibition.-No agency of the Federal Government shall make any cash payments to a leaseholder relating to the use or occupancy of any administrative site or facility that has been improved under this section.

(h) Congressional Notifications.-

(1) Anticipated use of authority.-As part of the annual budget justification documents provided to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, the Secretary shall include-

(A) a list of the anticipated leases to be made, including the anticipated revenue that may be obtained, under this section;

(B) a description of the intended use of any revenue obtained under a lease under this section, including a list of any projects that cost more than \$500,000; and

(C) a description of accomplishments during previous years using the authority of the Secretary under this section.

(2) Changes to lease list.-If the Secretary desires to lease an administrative site under this section that is not included on a list provided under paragraph (1)(A), the Secretary shall submit to the congressional committees described in paragraph (3) a notice of the proposed lease, including the anticipated revenue that may be obtained from the lease.

(3) Use of authority.-Not less frequently than once each year, the Secretary shall submit to the Committee on Agriculture, the Committee on Appropriations, and the Committee on Natural Resources of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate a report describing each lease made by the Secretary under this section during the period covered by the report.

(i) Expiration of Authority.-

(1) In general.-The authority of the Secretary to make a lease of an administrative site under this section expires on October 1, [2023] 2028.

(2) Effect on lease agreement.-Paragraph (1) shall not affect the authority of the Secretary to carry out this section in the case of any lease agreement that was entered into by the Secretary before October 1, [2023] 2028.